

2023 -- H 5209

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- IDENTIFICATION AND APPREHENSION OF  
CRIMINALS -- REHABILITATION OF OFFENDERS

Introduced By: Representatives Corvese, Vella-Wilkinson, Fellela, and Solomon

Date Introduced: January 19, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 12-1 of the General Laws entitled "Identification and Apprehension  
2 of Criminals" is hereby amended by adding thereto the following section:

3           **12-1-18. Rehabilitation of offenders -- Prohibition of discrimination.**

4           (a) Legislative intent. The general assembly finds that the public is best protected and  
5 served when criminal offenders are rehabilitated and returned to society prepared to take their  
6 places as productive citizens and that the ability of returned offenders to find meaningful  
7 employment is directly related to their normal functioning in the community. It is therefore the  
8 policy of this state to encourage all employers to give favorable consideration to providing jobs to  
9 qualified individuals, including those who may have criminal conviction records.

10           (b) Except as provided in subsection (c) of this section, and notwithstanding any other  
11 provisions of law to the contrary, a person shall not be disqualified from employment by the state  
12 or any of its agencies, nor shall a person be disqualified to practice, pursue or engage in any  
13 occupation, trade, vocation, profession or business for which a license, permit, certificate or  
14 registration is required to be issued by the state or any of its agencies solely because of a prior  
15 conviction of a crime.

16           (c) Except for a position for which any provision of the general laws specifically  
17 disqualifies a person from employment by the state or any of its agencies because of a prior  
18 conviction of a crime, no employer shall inquire about a prospective employee's past convictions

1 until such prospective employee has been deemed otherwise qualified for the position.

2 (d)(1) A person may be denied employment by the state or any of its agencies, or a person  
3 may be denied a license, permit, certificate or registration to pursue, practice or engage in an  
4 occupation, trade, vocation, profession or business by reason of the prior conviction of a crime if,  
5 after considering:

6 (i) The nature of the crime and its relationship to the job for which the person has applied;

7 (ii) Information pertaining to the degree of rehabilitation of the convicted person; and

8 (iii) The time elapsed since the conviction or release, the state or any of its agencies  
9 determines that the applicant is not suitable for the position of employment sought or the specific  
10 occupation, trade, vocation, profession or business for which the license, permit, certificate or  
11 registration is sought.

12 (2) In making a determination under this subsection, the state or any of its agencies shall  
13 give consideration to a certificate of rehabilitation issued pursuant to subsection (g) of this section  
14 and such certificate of rehabilitation shall establish a presumption that such applicant has been  
15 rehabilitated. If an application is denied based on a conviction for which the applicant has received  
16 a certificate of rehabilitation, the state or any of its agencies, as the case may be, shall provide a  
17 written statement to the applicant of its reasons for such denial.

18 (e) If a conviction of a crime is used as a basis for rejection of an applicant, such rejection  
19 shall be in writing and specifically state the grounds presented and reasons for rejection. A copy of  
20 such rejection shall be sent by registered mail to the applicant.

21 (f) In no case may records of arrest, which are not followed by a conviction, or records of  
22 convictions, which have been expunged or sealed, be used, distributed or disseminated by the state  
23 or any of its agencies in connection with an application for employment or for a permit, license,  
24 certificate or registration.

25 (g) Upon completion of any filing, deferred sentence, probationary sentence, suspended  
26 sentence or sentence of incarceration, the department of probation and parole, shall, if the offender  
27 has successfully completed the sentence imposed, and such sentence does not require the offender  
28 to register pursuant to chapter 37.1 of title 11, issue a certificate of rehabilitation to the offender  
29 which shall indicate that the offender has completed all conditions of the sentence imposed and has  
30 otherwise been and considered rehabilitated. The certificate of rehabilitation may be used by any  
31 person when applying for employment in this or any other state.

32 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO CRIMINAL PROCEDURE -- IDENTIFICATION AND APPREHENSION OF  
CRIMINALS -- REHABILITATION OF OFFENDERS

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1           This act would prohibit any employer, including the state or any agency thereof, from  
2 denying any person employment based on a prior criminal conviction and would prohibit the state  
3 from disqualifying any person from engaging in any occupation for which a license, permit or  
4 certificate of registration is required based on a prior conviction.

5           This act would take effect upon passage.

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